

UNITED STATES DISTRICT COURT

for the
District of Arizona

*DPOB
9-1-17*

United States of America)	Case No. 17-373MJ
v.)	
Miguel Calderon-Saenz,)	
a.k.a.: Miguel Saenz,)	
a.k.a.: Miguel Calderon Saenz, (A095 121 467))	
<i>Defendant</i>)	

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

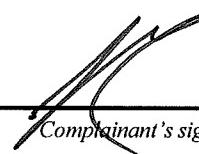
On or about the date of February 6, 2015, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Miguel Calderon-Saenz, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about June 24, 2011, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts: See **Attached Statement of Probable Cause Incorporated By Reference Herein**

REVIEWED BY: AUSA Amy Brown for AUSA Kathy J. Lemke

Continued on the attached sheet.



Complainant's signature

Steven T. Case,
Deportation Officer

Printed name and title

Sworn to before me and signed telephonically.

Date: September 4, 2017 @ 1502 hrs



Judge's signature

City and
state: Phoenix, Arizona

Michelle H. Burns,
United States Magistrate Judge

Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Steven T. Case, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On February 6, 2015, Miguel Calderon-Saenz was booked into the Maricopa County Jail (MCJ) intake facility by the Phoenix Police Department on local charges. While incarcerated at MCJ, Calderon-Saenz was examined by ICE Officer M. Paredes who determined him to be a Mexican citizen, illegally present in the United States. On the same date, an immigration detainer was lodged with the county jail. On September 1, 2017, Calderon-Saenz was released from the Arizona Department of Corrections and transported to the Phoenix ICE office for further investigation and processing. Calderon-Saenz was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Calderon-Saenz to be a citizen of Mexico and a previously deported criminal alien. Calderon-Saenz was removed from the United

States to Mexico through Nogales, Arizona, on or about June 24, 2011, pursuant to an order of removal issued by an immigration judge. There is no record of Calderon-Saenz in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Calderon-Saenz's immigration history was matched to him by electronic fingerprint comparison.

4. Criminal history checks revealed that Miguel Calderon-Saenz was convicted of Aggravated Driving or Actual Physical Control While Under the Influence of Intoxicating Liquor or Drugs, and Possession of Drug Paraphernalia, both felony offenses, on February 16, 2011 in the Superior Court of Arizona, Maricopa County. Calderon-Saenz was sentenced to four (4) months' incarceration and three (3) years' probation. Calderon-Saenz's criminal history was matched to him by electronic fingerprint comparison.
5. On September 1, 2017, Miguel Calderon-Saenz was advised of his constitutional rights. Calderon-Saenz freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about February 6, 2015, Miguel Calderon-Saenz, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been

previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about June 24, 2011, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).



Steven T. Case,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed telephonically
this 4th day of September, 2017.



Michelle H. Burns,
United States Magistrate Judge